



*Dannel P. Malloy*  
*Governor*

## **Approved Minutes of Monday, February 24, 2014 Special Meeting**

Location: DDS Central Office, Conference Room A

**In attendance:** Patti Silva, Chair; John Frost, Vice Chair; Adrienne Benjamin; David Hadden; Dr. Terrence Macy, Ex-Officio; Diana Mennone; Shelia Mulvey; Dr. John Pelegano; Patrick Vingo

**Absent:** Jim Heffernan, Jamie Lazaroff, Secretary

**Staff:** Joe Drexler, Deputy Commissioner; Rod O'Connor, Legislative Liaison

Chairperson Patti Silva opened the meeting at 6:01 P.M.

### **Public Comment**

No one from the public attended the meeting.

Diana Mennone was introduced to the Council members as the newly appointed member representing the Board of Trustees of the Southbury Training School replacing Lou Richards. The Council members introduced themselves to Ms. Mennone.

### **Approval of December 2013 Meeting Minutes**

Minutes for the December meeting were reviewed and the changes that Dr. John Pelegano had suggested were approved on a motion by Adrienne Benjamin and a second by Dr. Pellegano. The Council voted unanimously to accept the December minutes with changes.

### **Legislative Update – Rod O'Connor**

Rod O'Connor discussed the meeting that Christine Cooney and he had with the leadership of the Public Health Committee. He said that the Public Health Committee had agreed to raise five of the department's proposals as bills. The Public Health Committee also allowed the department to ask the Judiciary Committee to raise the department's proposal **An Act Concerning the Appointment of Conservators for Persons with Intellectual Disability**. The Judiciary Committee has now raised that bill.

Mr. O'Connor summarized the six department bills including [S.B. No. 255 An Act Concerning Unified School District #3](#), [S.B. No. 256 An Act Concerning the Department of Developmental Services Revolving Loan Fund](#), [S.B. No. 362 An Act Concerning Mandatory Reporting of Abuse and Neglect of Individuals with Autism Spectrum Disorder and the Definition of Abuse](#), [H.B. No. 5328 An Act Concerning Advisory and Planning Councils for State Developmental Services Regions and a Change in Terminology](#), [H.B. No. 5456 An Act Concerning the Department of Developmental Services Abuse and Neglect Registry](#), and **An Act Concerning the Appointment of Conservators for Persons with Intellectual Disability**

The DDS bills include proposed revisions in statutes related to DDS Regional Advisory Councils (RAC) and the Council on Developmental Services (CDS); changes to the administration of the DDS revolving loan fund; and revising abuse and neglect statutes to cover those individuals with autism spectrum disorder but who do not have intellectual disability and are receiving supports and services from DDS.

Mr. O'Connor explained that DDS would be answering questions before the Appropriations Committee's Health and Hospitals Subcommittee on March 3, 2014. He showed Council members the questions that the Office of Fiscal Analysis (OFA) had sent to the department and said that these questions along with others would be part of the Subcommittee discussion with DDS. See [March 3, 2014 – DDS Testimony Before the Appropriations Committee Health and Hospitals Subcommittee](#) for DDS responses to OFA budget questions.

Mr. O'Connor mentioned that the Office of Program Review and Investigations has conducted a study [Department of Children and Families Services to Prepare Youth Aging Out of State Care](#) which looked at how children age-out of DCF

services and how the adult services agencies (DDS, DMHAS) work with DCF on transitioning youth to adult services. The outcomes of this report may result in legislation to implement the study's recommendations.

### **Commissioner's Update**

Commissioner Macy encouraged Council members to visit the new DDS Family website at:

<http://www.ct.gov/dds/cwp/view.asp?a=2042&q=518842> that provides information and resources with a lifespan approach for individuals and families. He said that work on "Living the Mission" was in the implementation phase. Eight private provider agencies are now in the process of transforming the way they do business. The Commissioner discussed the book Creating Blue Space by Hanns Meissner and the author's approach to challenging old models of service delivery to create room for new ideas.

Commissioner Macy reported that the Centers for Medicare and Medicaid Services (CMS) has a final rule that implemented section 1915(i) State Plan home and community-based services (HCBS) waivers; defined and described HCBS settings across all Medicaid HCBS authorities; defined person-centered planning requirements for sections 1915(c) and 1915(i) HCBS waivers; and allowed states to combine target populations in one waiver. States must ensure that the services are delivered in settings that meet the new definition of home and community-based (HCB) setting. The rule emphasizes **personal autonomy, community integration, and choice** in HCBS. The regulation establishes more stringent rules for provider-owned or controlled residential settings. States must work with CMS to develop transition plans to bring non-compliant programs into compliance and must provide opportunities for public input into those transition plans. (See The Arc's "The 2014 Federal Home and Community-Based Services Regulation: What You Need to Know"). The Commissioner said that every state needs to have a transition plan by March 15, 2015 but if a state revises one of its HCBS waivers it then has only 120 days from the date of the waiver revision to present CMS with a state transition plan.

The Commissioner noted that with the work of the Southbury Training School (STS) Task Force, the history and the original mission of STS has come to light. The original purpose of STS was as a center for training and education. During the period between 1940 and 1950 there were approximately 700 residents who lived at Southbury but those 700 left once they had training and education to live in the community.

In the discussion of individuals on waitlists that had been a part of the Family Hearing Day, the Commissioner expressed concern that some of the numbers of individuals who were on the DDS waitlist were not based on accurate information. He told Council members that 29 individuals were on the Emergency placement list and 590 were on the Priority 1 list for a total of 619 on the DDS waitlist. He referred members to the [Management Information Reports \(MIR\)](#) that are on the DDS website for information on the number of individuals in the various Priority categories.

Council members discussed the legitimate concerns that were expressed at the Family Hearing Day around getting funding or placements for those on the Emergency and Priority 1 lists. The persons testifying at the hearing showed that there was significant need in the community. Deputy Commissioner Drexler said that individuals with serious behavioral needs or individuals with complex physical disabilities were more likely to be placed sooner. David Hadden remarked that the legislators in the ID/DD Caucus seemed more attuned to the needs of persons with intellectual disability and their families.

### **Old Business**

None.

### **New Business**

Ms. Silva announced that Jennifer Carroll, a long-term member of the Council had submitted her resignation effective December 14, 2013. The Council members expressed their sincere thanks to Ms. Carroll for all the work that she has done for the Council and hoped that she could be reappointed to the Council in the future.

Patrick Vingo mentioned that under the proposed federal ABLE Act, it would create a 529 Plan to provide a tax-deferred savings vehicle for persons with disabilities. The tax-deferred savings vehicle will be housed under Section 529 of the Internal Revenue Code, which provides the framework for what is commonly referred to as the 529 Education Savings Plan. The Arc fact sheet on the provisions of the ABLE Act is at: <http://www.thearc.org/document.doc?id=4161>

### **Adjournment**

The meeting was adjourned at 8:05 P.M. on a motion made by Mr. Vingo and seconded by Sheila Mulvey.